



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights
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Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE REQUESTING CHANGE IN POINT OF DIVERSION UNDER THE 1996 AMENDED ADMINISTRATIVE RULES GOVERNING THE WALKER RIVER ADJUDICATION FEDERAL DECREE C-125

Dated January 28, 2003

Notice is hereby given that on December 19, 2002,

Mr. Frank Holmes,
c/o W. Lee Holmes
107Cool Springs Ct.
Folsom, CA 95630

the successor in interest to a federally adjudicated water right on the West Walker River, filed an application for a change in point of diversion with the California State Water Resources Control Board (SWRCB). The application has been filed in accordance with the 1996 Amended Administrative Rules for the Walker River Adjudication, Federal Decree C-125. The Administrative Rules require that applications for changes to Federal Decree C-125, occurring on California land within the Walker River Watershed are required to be processed by the SWRCB prior to review by the Federal Court. This notice, which shall be published between the dates of January 31, 2003 and March 7, 2003, serves to fulfill the requirements of Article IV, Section 4.1 and 4.3 of the 1996 Amended Administrative Rules for the Walker River Adjudication.

Mr. Holmes' is the successor in interest to the water right originally decreed to Ms. Minnie Powell. The decreed right provides for gravity direct diversion of 3.44 cubic feet per second from the West Walker River from a point of diversion located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T8N, R23E, MDB&M. The water is transported by gravity ditch system to irrigate lands described as follows:

95 acres within the E $\frac{1}{2}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T8N, R23E, MDB&M;
115 acres within the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20, T8N, R23E, MDB&M, and
5 acres within the SE $\frac{1}{4}$ of Section 1, T8N, R22E, MDB&M.

The applicant's request for change in the point of diversion is the result of extensive flooding of the West Walker River in 1997. Following the flood, the Army Corps of Engineers, in an effort to mitigate the damage caused by the flooding, reconstructed the river channel in the area adjacent to the Holmes' point of diversion. The reconstruction resulted in a deeper channel and lower water levels in the river that prevent water from reaching the Holmes gravity diversion structure during most of the irrigation season. With the help of the United States Department of Agriculture, Mr. Holmes has located a proposed new point of diversion approximately 0.5 miles downstream from the existing point of diversion. The proposed point of diversion located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T8N, R23E, MDB&M, is situated on the Holmes property and is conducive to gravity flow diversion from the West Walker River throughout the irrigation season.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed change is exempt from the California Environmental Quality Act because the SWRCB is acting in a judicial capacity, as special master to the United States District Court for water right changes in

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California involving water rights adjudicated in the Walker River Decree, Federal Decree C-125. However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. Protests filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below, by **3:00 p.m. on March 7, 2003**. In addition, **the protestant must send a copy of the protest to the applicant**, at the address listed below. Due to the constraints of the noticing period, protests may be filed with the SWRCB by FAX at (916) 341-5400. However, an original copy of all materials must be received by the SWRCB and the protestant, at the addresses listed below, to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time.

Division of Water Rights
c/o Brian Coats
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

Mr. Frank Holmes
c/o W. Lee Holmes
107 Cool Springs Ct.
Folsom, CA 95630

PROTEST REQUIREMENTS

Parties may file protests based on injury to existing water rights, or adverse environmental impact. All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. If the protest is based on environmental grounds, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The SWRCB will respond to all protests within 60 days of the final day to file a protest. The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) cannot be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms, please contact Brian Coats by phone at (916) 341-5311 or by electronic mail at bcoats@waterrights.swrcb.ca.gov. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

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